IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 931 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KESHAVLAL RANCHHODBHAI SAVALIADECD.THRO'HEIRS

Versus

VRUNDAVAN COOPERATIVE HOUSING SOCIETY LIMITED (PROPOSED)

Appearance:

MR AJ SHASTRI for Petitioner Nos. 1-1/3

MR TUSHAR MEHTA for the Respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Regular Civil Suit No.381 of 1997. The respondent-plaintiff has filed the aforesaid suit for a declaration and injunction, which is pending before the Civil Judge (Senior Division), Rajkot. In the said suit,

the plaintiff submitted an application for interim injunction, which was granted by the trial court, against which the present petitioners preferred Civil Miscellaneous Appeal No.72 of 1997. The appellate court has dismissed the said appeal, against which this Civil Revision Application is filed under Section 115 of the Code of Civil Procedure.

It is not in dispute that the present revision is filed against an interlocutory order in the suit. In view of the amendment in Section 115 of the Code of Civil Procedure, this CRA is rejected as not maintainable. Rule is discharged. No costs.

It is clarified that it would be open for the petitioners to challenge the impugned order by filing a Special Civil Application under Article 227 of the Constitution of India, if the petitioners so desire.

10th March, 2004 (P.B. Majmudar, J.)

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(apj)